

REMARKS

Summary of the Office Action

Claims 4 and 5 remain rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1 and 2 remain rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,791,543 to *Udagawa, et al.*, ("*Udagawa*").

Claim 3 remains rejected under 35 U.S.C. § 103(a) as being unpatentable over *Udagawa*.

Summary of the Response to the Office Action

Applicant amends claim 1 to better delineate the present invention. Applicant respectfully submits that the features of the present invention are not taught or suggested by the applied references of record. Accordingly, claims 1-5 are presently pending.

Information Disclosure Statement

Applicant submitted an Information Disclosure Statement on August 29, 2007. Applicant thanks the Examiner for acknowledging the Information Disclosure Statement by initialing the PTO 1449 form and returning a copy to Applicant.

All Subject Matter Complies With 35 U.S.C. § 112, first paragraph

The Office Action rejects claims 4 and 5 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant respectfully traverses the rejection for the following reasons.

The Office Action previously stated that it is unclear as to how the first and second sector

shaped cams can rotate at shifted phases or at shifted timing when both the clincher mechanisms (one for each cam) are connected to the same table that holds the movable clincher. The Office Action also previously stated that “as arranged in Figure 13, and the links 25 and section 28 being solidly connected together, the linkages would bind and not work.” In response, Applicant argued the C-shaped structure of the present invention with the right and left links 25 and the clincher pressing section is not completely rigid, and has a certain amount of flexibility (elasticity) to accommodate the desired movement.

The pending Office Action now asserts that Applicant’s argument that the C-shaped structure of the present invention, with its right and left links 25 and the clincher pressing section, is not completely rigid and has a certain amount of flexibility (elasticity) to accommodate the desired movement (*i.e.*, actuating the right and left links in the shifted timing so the C-shaped structure is slightly twisted and the linkages work) is not supported in the specification. Applicant respectfully submits that one of ordinary skill in the art would know that such flexibility is inherent within C-shaped structures and by actuating the right and left links in the shifted timing, the C-shaped structure is slightly twisted and the linkages do work. Thus, the action of the C-shaped structure is fully enabled and one of ordinary skill in the art would have understood how to make and use the claimed invention. Therefore, it is respectfully submitted that Applicant’s specification enables one of ordinary skill in the art to make and use the claimed invention. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

All Claims Comply With 35 U.S.C. § 102(b)

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Udagawa*. Applicant respectfully traverses the rejection for at least the following reasons.

Applicant respectfully submits that the Office Action has not established that *Udagawa* anticipates each and every feature of Applicant's claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Newly amended independent claim 1 recites, in part, "a fixing plate linearly slidable with respect to the fixing pin and engagable with the fixing pin to lock the table link in a paper-pressing state . . . wherein the table link and the fixing plate are separate members, and the table link and the fixing plate are relatively movable." These features are not found in *Udagawa*. Thus, *Udagawa* fails to teach or suggest at least these features of claim 1.

The Office Action states on page 3, section 5 that member 152 of *Udagawa* is the claimed "table link," and member 152A of *Udagawa* is the claimed "fixing plate." However, these assertions are impossible because members 152 and 152A are portions of the same member and are integrated. See, for example, Figs. 3 and 17 of *Udagawa*. Claim 1 requires that the table link and fixing plate be separate members and the fixing plate be capable locking the table link in a paper-pressing state. It is impossible for the fixing plate to lock the table link if they are integrated portions of the same member, as is the case in *Udagawa*.

Further, newly added features "wherein the table link and the fixing plate are separate members, and the table link and the fixing plate are relatively movable," further delineate that the alleged table link 152 and alleged fixing plate 152A of *Udagawa* cannot anticipate claim 1.

In contrast, in the present invention, Fig. 2 shows the table link (3) and the fixing plate (5) are separate members and are relatively movable to each other. Thus, *Udagawa* cannot anticipate the present invention.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Udagawa* does not teach or suggest each feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claim 2 is also allowable insofar as it recites the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

All Claims Comply With 35 U.S.C. § 103(a)

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Udagawa*. Applicant respectfully traverses the rejection for at least the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met (see MPEP §§ 2142-2143). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill the art, to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art references must teach or suggest all the claim limitations.

The Office Action has not established a *prima facie* case of obviousness at least because *Udagawa*, whether alone or in combination, fails to teach or suggest all the recited features of

newly amended independent claim 1. Independent claim 1 recites, in part, “wherein the table link and the fixing plate are separate members, and the table link and the fixing plate are relatively movable.” Thus, as demonstrated above, *Udagawa* fails to teach or suggest at least these features of newly amended claim 1.

As pointed out in M.P.E.P. § 2143.03, all the claimed limitations must be taught or suggested by the prior art to establish *prima facie* obviousness of a claimed invention. Because *Udagawa*, whether taken alone or in combination, fails to teach or suggest each feature of newly amended independent claim 1, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claim 3 depends from independent claim 1. Accordingly, claim 3 is also allowable because of the additional features it recites and the reasons stated above.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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